

BOARD OF COUNTY COMMISSISONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
MARCH 22, 2005
DRAFT

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Thaeli presiding. Present were Commissioners DePuy, Grippa, Proctor, Rackleff, Sauls, and Winchester. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Clerk of the Circuit Court Bob Inzer, Deputy Clerk Bill Bogan, Jr., and Secretary Jennifer Meale.

Invocation was provided by Mr. Clinton C. Purvis, III, Youth Minister, First Baptist Church, at the invitation of Commissioner DePuy. It was followed by the Pledge of Allegiance to the Flag led by Captain Block of the 1st Provisional Security Company, 8th Tank Battalion.

Chairman Thaeli requested a moment of silence in memory of those who died in the Fulton County Courthouse tragedy on March 11, 2005.

Awards and Presentations

- Commissioner DePuy presented a Resolution Recognizing and Honoring the 1st Provisional Security Company, 8th Tank Battalion out of Tallahassee, FL.
- Commissioner DePuy presented a Resolution Recognizing the organizers of the Capital City Chili Cook-off for their Outstanding Efforts on behalf of the Dick Howser Center.
- Commissioner Sauls introduced Mr. Bob Kellam, Chairman of the Educational Facilities Authority (EFA), and Mr. Craig Fletcher. Mr. Kellam introduced EFA's members and summarized recent projects including Ocala Road, townhouse apartments, Southgate, University Courtyard on South Adams Street, and Heritage Grove. The EFA assisted FSU, FAMU, and TCC in construction, financing, and/or refinancing. The EFA presented a check in the amount of \$67,524.26, which will go toward scholarships to the three institutions.
- Commissioner Sauls presented a Resolution for Mr. John Jordan, Retiring Member of the Code Enforcement Board, After Seven Years of Dedicated Service to the Citizens of Leon County.
- Commissioner Proctor presented a Resolution Recognizing and Celebrating the Graduates of Old Lincoln High School as part of Black History Month.

- Commissioner Grippa presented a Resolution designating April 11 – 17, 2005, Animal Control Week. Richard Zeigler, Director of Animal Control, accepted the Resolution.
- Commissioner Rackleff introduced Ms. Danielle Gordan, Leon County Extension Service, who presented the Results of the "Walking Through Florida" Project. Ms. Gordan emphasized the health benefits of regular exercise and announced the kick-off for 2005 "Walking Through Florida" competition that will be on March 29, 2005 from 3:00 – 5:00 p.m. at the Fairgrounds. She circulated the packets that would be distributed at the kick-off event.
- Commissioner Rackleff introduced Dr. Steinar Dale, Center for Advanced Power Systems (CAPS), who presented an overview of the center, current research projects, and educational affiliations. Dr. Dale stated that CAPS is researching and exploring electrical power supplies, and they are building and testing a 5MW-ship propulsion motor for the Navy. CAPS will implement electric-powered motorboats at Wakulla Springs, which will reduce noise and water pollution.
- State Representative Lorraine Ausley addressed Consent Item #13: Consideration of Support for the Whole Child Leon Initiative. Ms. Ausley outlined the program, which was developed for special needs children, thanked the Board for their support, and emphasized the importance of continued support. She stated that the community kick-off will occur at the next Downtown Getdown on April 1, 2005 from 6:00 – 10:30 p.m.

Chairman Thaell passed the gavel to Commissioner Proctor, Commissioner Proctor assumed Chair.

Commissioner Thaell moved, duly seconded by Commissioner Sauls, and carried, 7-0, to approve Option 1: Approve Support of Whole Child Leon Initiative.

Commissioner Thaell reassumed Chair and the Board continued with remaining Awards and Presentations.

- Chairman Thaell presented a Resolution Recognizing Ms. Kelly Otte on her retirement, after 9 years of Outstanding Community Service, as Executive Director of the Refuge House and the Board recognized March 22 as Kelly Otte Day. Ms. Otte accepted the Resolution and thanked the Board.

Consent

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 7-0, to approve the Consent Agenda with the exception of Items #14, #18, #32, #33, and #38, which were pulled for discussion:

1. Approval of Minutes: February 8, 2005 and February 22, 2005 Regular Meetings

The Board approved Option 1: Approve the minutes for February 8, 2005 Regular Meeting and February 22, 2005 Regular Meeting.

2. Approval of Bills and Vouchers Submitted for March 22, 2005, and Pre-approval of Bills and Vouchers Submitted for March 23 through April 11, 2005

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for March 22, 2005, and pre-approve payment of bills and vouchers for the period March 23 through April 11, 2005.

3. Approval to Submit the 2005 Assistance to Firefighters Federal Grant Application

The Board approved Option 1: Authorize the submittal of the 2005 Assistance to Firefighters Federal Grant Application.

4. Acceptance of Florida Department of Community Affairs/North Florida Regional Domestic Security Taskforce Grant

The Board approved Options 1 and 2: 1) Accept the Florida Department of Community Affairs/North Florida Regional Domestic Security Taskforce Grant and authorize the Chairman to execute the Agreement; 2) Approve the Budget Resolution and the Associated Budget Amendment Request.

5. Adoption of Policy to Govern the Use of the Midyear Funding Request Account

The Board approved Option 1: Adopt the proposed Midyear Funding Request Account Policy.

6. Approval to Allocate Funds from the General Fund Contingency for Tax Increment Financing

The Board approved Options 1 and 2: 1) Approve the budget amendment realigning \$119,310 from the General Fund Contingency for purposes of making the Tax Increment Financing payment to the City of Tallahassee; 2) Authorize the County Administrator to negotiate an Interlocal Agreement to effectuate the refund of the MSTU portion of the annual Tax Increment Financing payment.

7. Authorization to Submit Certain Tax Deed Applications

The Board approved Option 1: Authorize staff to apply for certain tax deeds.

8. Request to Schedule a Workshop on Tourist Development Council Programs and Initiatives for Tuesday, June 28, 2005 at 1:30 – 3:00 p.m.

The Board approved Option 1: Schedule the workshop on the Tourist Development Council's programs and initiatives for June 28, 2005 from 1:30 – 3:00 p.m.

9. Approval of Proposed Cancellation and Release of Declaration of Covenants and Restrictions by and between John Butler, J. Lee Vause and J. Lee Vause, as Trustee of the J. Lee Vause Trust Under Agreement Dated August 21, 1997

The Board approved Option 1: Approve and authorize the recordation of the proposed Cancellation and Release of Declaration of Covenants and Restrictions.

10. Ratification of Board Actions Taken at the February 22, 2005 Workshop on County Employee Health Insurance

The Board approved Options 1 and 2: 1) Ratify Board actions taken at the February 22, 2005 workshop on County Employee Health Insurance Options; 2) Waive the policy requirements, Purchasing and Minority/Women Business Enterprise Policy, Section 5.09, Competitive Sealed Proposals, to expand the number of members allowed to participate on the RFP Evaluation Committee from three to five members to up to seven members to allow a representative from each Constitutional Office and the Board to participate on the committee.

11. Ratification of Board Actions Taken at the February 22, 2005 Workshop on the Fairgrounds Market Feasibility Study

The Board approved Option 1: Ratify actions taken at the February 22, 2005 Workshop on the Fairgrounds Market Feasibility Study.

12. Acceptance of Report Regarding the Florida Association of Counties
Legislative Day Reception

The Board approved Option 1: Accept the report regarding the Florida Association of Counties Legislative Day reception and take no further action.

13. Consideration of Support for the Whole Child Leon Initiative

The Board approved Option 1: Approve support of the Whole Child Leon Initiative.

See Awards and Presentations section for additional discussion.

14. Approval of Allocation of Funds Pursuant to the "Dori Slosberg Driver's
Education Safety Act" for Fiscal Year 2004/05

Commissioner DePuy pulled this item for discussion.

Commissioner DePuy explained that the Slosberg Bill allocates \$3 assessed on traffic fines for teaching driver's education safety to young people. He stated that despite recent scrutiny of Partners for Highway Safety (PHS), he does not want to set a precedent for giving all funds to the School Board. Commissioner DePuy noted that there have been no teen fatalities in the past two years in Leon County, and he would like PHS to receive funds next year, when the issues are resolved.

Commissioner Grippa agreed with Commissioner DePuy on not allocating all funds to the School Board, adding that the School Board also has unresolved issues.

Commissioner Rackleff stated that it is his impression that PHS is not a functioning organization at this point; however, he is willing to revisit PHS funding after the issue is resolved. He voiced concern that students will not receive driver's education courses if the money is not allocated to the School Board.

Chairman Thaeff suggested continuing the item to the April 12, 2005 Regular Meeting.

Commissioner DePuy moved, duly seconded by Commissioner Grippa and carried unanimously, 6-0 (Commissioner Proctor was out of Chambers) to continue the item to the April 12, 2005 Regular Meeting and direct staff to investigate the financial and organizational stability in light of the recent events of PHS and report back to the Board.

15. Acceptance of the Donation from the Points of Light Foundation in the Amount of \$1,077

The Board approved Options 1 and 2: 1) Accept the Points of Light Foundation Award in the amount of \$1,077; 2) Approve the Resolution and associated Budget Amendment Request.

16. Acceptance of Service Learning Impacting Citizen/Points of Light Foundation Grant in the Amount of \$5,000

The Board approved Option 1: Accept the grant from Service Learning Impacting Citizenship/Points of Light Foundation in the amount of \$5,000. Adopt the Resolution and associated Budget Amendment, and authorize the Chairman to execute.

17. Approval to Award Two Housing Rehabilitation Contracts to Blue Chip Construction Co., Inc. and Two Housing Rehabilitation Contracts to Pagel Construction Co., Inc. Using State Housing Initiatives Partnership Funds

The Board approved Option 1: Approve the award of two Housing Rehabilitation Contracts to Blue Chip Construction Co., Inc. and two contracts to Pagel Construction Co., Inc. using State Housing Initiatives Partnership Funds.

18. Approval to Issue a Request for Proposal for a Community Awareness and Public Education Program for the Primary Healthcare Program

This item was pulled for discussion.

This agenda item seeks Board approval to issue a Request for Proposal (RFP) for a Community Awareness and Public Education program for the Primary Healthcare Program for the uninsured and indigent citizens of Leon County (Attachment #1).

Commissioner DePuy moved, duly seconded by Commissioner Winchester, to approve Options 1 and 2: 1) Approve the issuance of the Request for Proposal for a Community Awareness and Public Education program for the Primary Healthcare Program; 2) Approve the attached Resolution and budget amendment request for \$30,000 for a Community Awareness and Public Education Program and authorize Chairman to execute.

Commissioner Grippa asked who currently provides the public awareness campaign, who has received funding in the past for this service, and whether an RFP would come back to the Board in the future.

Mr. Joe Sharp, Health and Human Services Director, responded that the program is not yet underway, the funds expired in August of last year, Herrle Advertising received funds in the first year and Moore Advertising received funds in the second year, and the RFP will be advertised and returned to the Board for a decision.

Commissioner Grippa inquired whether a more detailed advertising plan, complete with a targeted campaign, will be provided. Mr. Sharp answered that an element of the RFP is to develop a detailed plan.

Commissioner Grippa requested a copy of the previously approved advertising plan that the County spent \$124,000 on.

Commissioner DePuy explained that he pulled the item because he believed people knew about the Primary Health Care Program; however, Mr. Sharp informed him that that is not the case. Commissioner DePuy stated that since they ceased the Public Awareness Campaign, there have been more patients in the Emergency Room who could have been better served by Bond Community Health Center or Neighborhood Health Services (NHS). He elaborated that Mr. Sharp informed him of the two health clinics' increased hours and the need of the awareness campaign to advise people of these additional hours.

The following discourse between Commissioner Grippa and Mr. Sharp transpired:

- Commissioner Grippa asked whether the two programs are working at capacity and if so, why it would be necessary to launch a public awareness campaign. Mr. Sharp explained that the County pays a flat rate, which means the more patients using the health centers, the lower the unit cost.
- Upon inquiry, Mr. Sharp responded that the County allocates approximately \$1.1 million for the program, and Commissioner Grippa asked whether those funds were sufficient. Mr. Sharp opined that the funds are insufficient; however, there is capacity at both centers for additional patients.
- Commissioner Grippa stated that advertising for health facilities that are at capacity is unreasonable and the \$30,000 should go toward medical care. Mr. Sharp emphasized the importance of redirecting people from inappropriate places of care (i.e. the Emergency Room) to the clinics.

Commissioner Grippa opined that the advertising budget would be spent on a public relations campaign and noted the Chairman's interest in implementing a Sales Tax Referendum. He added that he is not prepared

to vote until he knows whether clinics are at capacity and if they are, what reasoning there is to send more people to the clinics.

County Administrator Alam stated that the money is given to Bond with the provision that they use it only to see Leon County patients.

Chairman Thaeff stated that an Oversight Board is considering restructuring of the Bond and NHS contracts going to a capitated rate.

Mr. Sharp reminded the Board that the Indigent Health Care Annual Report reflecting the number of patients seen by the health facilities will be presented at the April 12, 2005 Regular Meeting. He added that there were 7,188 Leon County patients treated at Bond and NHS last year.

County Administrator Alam explained that due to the structure of the funding, Commissioner Grippa's questions could not be answered unless the County moves to a capitated rate.

Commissioner DePuy withdrew his motion.

Commissioner Proctor moved, seconded by Commissioner Grippa, to approve Option 3: Do not approve the issuance of the Request for Proposal for a Community Awareness and Public Education Program for the Primary Healthcare Program and do not approve the resolution and associated budget amendment request.

Commissioner Rackleff emphasized the importance of a public awareness campaign to encourage people to use the health clinics rather than the Emergency Room.

Commissioner Rackleff moved a substitute motion, seconded by Commissioner Winchester, to approve Options 1 and 2: 1) Approve the issuance of the Request for Proposal for a Community Awareness and Public Education program for the Primary Healthcare Program; 2) Approve the attached Resolution and budget amendment request for \$30,000 for a Community Awareness and Public Education Program and authorize the Chairman to execute.

Commissioner Winchester stated that the Board has a responsibility to educate people, particularly those living on the south side. He suggested approving Options 1 and 2, and directing staff to address any problems that may exist with the contracts.

Commissioner Grippa reiterated his point that he does not want \$30,000 allocated, when, at the April 12th Meeting, the Board may find that the centers are overloaded. He added that if the facilities are overloaded,

there would be a need for new tax dollars for expansion. Commissioner Grippa restated his concern about the correlation between this item and Chairman Thael's interest in the Sales Tax Referendum. He asked that the Board postpone decisions until they have more information.

Commissioner Rackleff stated that the program might be at capacity; however, there is a constant flow of patients due to program services such as acute care, continuing care, and health screening. He noted that the County is trying to reach some of the most unreachable people.

Commissioner Sauls suggested continuing the item so the Board can deal with all aspects of the issue at one time.

Chairman Thael clarified that this is an RFP, so it opens the issue, and there is no deadline.

Commissioner Rackleff amended his substitute motion, seconded by Commissioner Winchester and carried, 6-1 (Commissioner Proctor opposed), to continue this item to the April 12, 2005, Regular Meeting.

The Board recessed at 5:00 p.m. and reconvened at 6:00 p.m. with Public Hearings.

19. Approval of a Housing Finance Authority (HFA) Resolution Authorizing the Escambia County Housing Finance Authority to Issue Single Family Mortgage Revenue Bonds

The Board approved Option 1: Approve the Housing Finance Authority Resolution R05- and Interlocal Agreement authorizing the Escambia County Housing Finance Authority to issue single-family mortgage revenue bonds.

20. Approval to Submit Application for a State Construction Grant for the Southeast Branch Library

The Board approved Options 1 and 2: 1) Authorize the submission of a Public Library Construction Grant for the Southeast (Parkway) Branch Library, consent to comply with all of the Grant requirements, and authorize the Chairman to sign the Certification of Application; 2) Approve the Southeast Branch Library Building Program.

21. Acceptance of Library E-Rate Program Funds in the Amount of \$33,123

The Board approved Option 1: Accept the Library E-Rate Program Funds in the amount of \$33,123 and approve the associated Resolution and Budget Amendment Request.

22. Authorization to Pursue Proposed Greenway Land Acquisitions for 2005-2006

The Board approved Options 1, 2, 3, 4, and 5: 1) Authorize staff to submit an application to Florida Communities Trust for Gwyndale Ravine; 2) Authorize staff to submit an application to Florida Communities Trust for Red 'n' Sam's; 3) Authorize staff to submit an application to Florida Communities Trust for the St. Marks Headwaters property; 4) Direct staff to work with partner agencies to acquire properties in the Ochlockonee River watershed, via conservation easements and funding through Forever Florida, with primary focus on the Wilson property and secondary focus on the Price, Scibner, and Hinson ownerships; 5) Direct staff to evaluate acquisition and land swap strategies with the Crowder interests on Tower Road.

23. Acceptance of Report on the Creation of a Southern Strategy Citizens Committee

The Board approved Options 1 and 2: 1) Accept the report on the creation of a Southern Strategy Citizens Committee; 2) Authorize the Chairman to take the Joint City/County Southern Strategy Area Citizens Committee proposal to the Mayor.

24. Adoption of Proposed Revisions to Leon County Policy No. 96-1, Purchasing and Minority/Women Business Enterprise Policy

The Board approved Option 1: Adopt the proposed revisions to Policy No. 96-1, Purchasing and Minority/Women Business Enterprise Policy.

25. Acceptance of Funds from the City of Tallahassee for the Purchase of a Development Server and Associated Software for Tallahassee-Leon County GIS

The Board approved Option 1: Accept funds from City of Tallahassee in the amount of \$62,092 for the purchase of a Development Server and associated software for Tallahassee-Leon County GIS.

26. Request to Schedule a First and Only Public Hearing on a Proposed Abandonment of the Reserved Right-of-Way of Calle de Santos and Camino Real for Tuesday, April, 26, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing to consider the Calle de Santos and Camino Real abandonment for Tuesday, April 26, 2005, at 6:00 p.m.

27. Request to Schedule the First Public Hearing on Whispering Pines East Subdivision 2/3 Paving Project for Tuesday, April 26, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule the first of two public hearings for Whispering Pines East Subdivision 2/3 Paving Project on Tuesday, April 26, 2005 at 6:00 p.m.

28. Acceptance of High Bid Submitted for Purchase of Lot 1, Block B, of Melody Hills Subdivision

The Board approved Option 1: Accept high bid for Lot 1, Block B, Melody Hills Subdivision and authorize the Chairman to execute necessary documents to effect sale.

29. Acceptance of Status Report on Designing Safe Roads, Including Deerlake Road

The Board approved Option 1: Accept the status report on the design safety of County Roads.

30. Acceptance of the High Bid Submitted for the Purchase of Parcels 11, 12, 13, 14, 15, 16, and 17, Block D, of Mission Manor, Unit 3 Re-subdivision Unrecorded; and, Acceptance of High Bid Submitted for the Purchase of Parcel 18, Block D of Mission Manor, Unit 3 Re-subdivision Unrecorded

The Board approved Options 1 and 2: 1) Accept the high bids for Parcels 11, 12, 13, 14, 15, 16, and 17, Block D, of Mission Manor, Unit 3 Resubdivision and authorize the Chairman to execute the necessary documents to affect sales; 2) Accept the high bid for Parcel 18, Block D, of Mission Manor, Unit 3 Resubdivision and authorize the Chairman to execute the necessary documents to effect sale.

31. Approval of the Plat for Recording in the Public Records of the River Oak Subdivision

The Board approved Option 1: Approve the Plat of River Oak for recording in the public records.

32. Approval to Extend the Continuing Civil Engineering Services Agreement

Commissioner Grippa pulled this item for discussion.

Commissioner Grippa asked for information regarding how much the County, Blueprint 2000, and Capital Regional Transportation Planning Authority paid each of the Civil Engineering firms over the life of the contract. He also requested that staff look into establishing one rate (an

average of all of their rates) for all firms. Commissioner Grippa recommended continuing the item until staff brings back the requested information.

Mr. Joe Brown, Public Works Director of Engineering, added that the contract expires on April 15, 2005, and staff is trying to extend the contract for another two years.

County Administrator stated that staff will bring the item back to the April 12, 2005 Regular Meeting.

Commissioner Grippa moved, duly seconded by Commissioner DePuy and carried unanimously, 5-0 (Commissioners Rackleff and Winchester were out of chambers), to continue the item to April 12, 2005, Regular Meeting.

33. Authorization to Reject all Bids Submitted for Purchase of the North Lake Meadow Parcels and Re-advertise

This item was pulled for discussion.

County Administrator Alam stated that staff recommends rejecting all bids and re-advertising.

Speaker, Allen B. Franklin, 7091 Calico Circle, stated that the County may be misled by the appraisal. Mr. Franklin provided materials outlining the history of the property, developed in 1983, which never sold. He stated that he believes the appraisals are incorrect since they were based on lots that are not comparable. Mr. Franklin asked that the Board accept his bid and sell the property to him.

Commissioner Sauls stated that the lot has been on the market since 1983. She recommended the Board instate minimum bids if they are not going to accept certain amounts.

Commissioner Sauls moved, duly seconded by Commissioner DePuy, to include the bid and allow Mr. Franklin to purchase the lots.

Commissioner Rackleff explained that the total value of the property, according to the appraiser, is \$45,000 and the buyer in this motion would buy the property for \$3,000. He recommended having an auction, and he stated that he could not support the motion.

Commissioner Rackleff moved a substitute motion to re-advertise the property to get a better price.

The motion failed for a lack of a second.

Commissioner Sauls reiterated the importance of setting a minimum bid and requested that the Board address the issue in the future.

The motion carried, 4-1 (Commissioner Rackleff opposed and Commissioner Proctor was Out of Chambers).

34. Adoption of a Resolution Authorizing Conveyance of Centervillage Property, by County Deed, to the City of Tallahassee for the Northeast Drainage Ditch Stormwater Project

The Board approved Option 1: Adopt the attached resolution R05- authorizing conveyance of Centervillage Property, by County Deed, to the City of Tallahassee and authorize the Chairman to execute appropriate documents.

35. Authorization to Enter Into a Maintenance Memorandum of Agreement with the Florida Department of Transportation for the Landscape Design and Maintenance of the Designated Medians on US 27 South (Apalachee Parkway)

The Board approved Option 1: Approve entering into a Maintenance Memorandum of Agreement with the Florida Department of Transportation for the landscape design and maintenance of designated medians and rights-of-way fronting the new park facility at the County's Solid Waste Facility on US 27 South and authorize the Chairman to execute.

36. Authorization to Postpone the Boys and Girls Club of the Big Bend's Request to Use County Property for Temporary Parking

The Board approved Option 1: Defer the request by the Boys and Girls Club of the Big Bend to utilize portions of the Orange Avenue project area for parking purposes until the Orange Avenue project is completed.

37. Approval of Revisions to the Construction of Orange Avenue – Phase 2 Project, from South Monroe Street to Blair Stone Road

The Board approved Option 1: Approve the changes for the construction of Orange Avenue – Phase 2, from South Monroe Street to Blair Stone Road to allow closure of roadway from east of Polk Drive to west of Jim Lee Road for a period of six months.

38. Acceptance of Status Report on Franklin Boulevard Stormwater and Maintenance Issues and Authorization to Coordinate Solutions with the City of Tallahassee and Leon County School Board

Chairman ThaelI pulled this item for discussion.

County Administrator Alam synopsized that if the Board moves forward with the proposed design, it would be expensive for the County to maintain and make it. He added that the project is more expensive project than initially thought.

Chairman ThaelI asked whether it is no longer an issue due to the fact that the Intergovernmental Agency (IA) retracted funding from that segment. County Administrator Alam responded that he believes it would be appropriate not to do anything until the IA considers Phase I again.

Chairman ThaelI explained that he pulled the item because the Technical Coordinating Committee (TCC) report that brought forward these engineering issues was not presented to the members of the IA for their consideration of all the facts.

Ms. Theresa Heiker, County Stormwater, explained that the IA voted to accelerate segment four, and in the last discussion of the TCC, they discussed alternatives for segment one. She stated that segment one has not been eliminated from consideration; they will proceed, with the understanding that they do 4, 3, 2, and 1, respectively, as funds become available.

Chairman ThaelI asked whether, despite major reservations about the design from TCC and the County's Public Works, public funds could be expended in furtherance of staff direction and the approved motion by the IA.

Ms. Heiker responded that the consultants continue to evaluate alternatives, and they have agreed to eliminate the primary source of concern, storage beneath Franklin Blvd., as well as to try to determine alternatives that would avoid the significant issues that have been identified.

Chairman ThaelI stated that, although segment one will not be constructed prior to the other segments, consideration will still need to be given to the effect section one would have if anything occurs.

Chairman ThaelI asked Ms. Heiker if she feels that under the current circumstances the consultants and IA staff are giving consideration to the concerns with regard to maintenance and making the appropriate adjustments to address the issues raised in the report. Ms. Heiker responded that the IA staff has discussed incorporating those concerns into the new alternatives, and alternatives are under development.

Chairman Thael stated that, if not managed properly, this project could result in tremendous expenses to the County—it is a County road, the County maintains it, and the County is half of the IA.

Commissioner DePuy stated that Jim Davis, Director of Blueprint 2000, answers to both the County Administrator and the City Manager. He noted that Franklin Blvd. is a County road; however, the improvements along it are part of the Capital Cascade Trail project which is funded by Blueprint money. Commissioner DePuy stated that at that meeting, they decided to fund, beginning with segment four, not segment one (Franklin Blvd.).

Ms. Heiker stated that Mr. Davis may need clarification since his understanding is that segment four is accelerated in advance of segment one, but he was given direction to continue to pursue that evaluation.

Commissioner DePuy explained that he understands that in that meeting, recommendations were not given to members of Blueprint and voting members of the IA. Ms. Heiker stated that concerns were raised on all segments; however, she was asked to prepare an agenda related to segment one.

Commissioner DePuy stated that if they are going to correct the issue, it needs to be reconsidered at the Blueprint 2000 meeting where they meet with their colleagues from the City Commission. He encouraged Ms. Heiker to attend that meeting and to speak candidly. Commissioner DePuy stated that it might be appropriate to ask Blueprint 2000 to reconsider the issue.

The County Administrator reiterated with Commissioner DePuy's point, stating that Blueprint 2000 should revisit the whole project. He added that the different design options were not presented at the IA meeting and suggested that the Board request to examine the different options.

Chairman Thael stated that he objects to County Public Works department and members of the TCC addressing concerns and objectives without informing the Board (i.e. overall design analysis). He stated that inadequate information skews the Board's ability to make the proper decision. Chairman Thael directed IA staff to ensure all advisory opinions be contained in the agenda items in the future.

Commissioner Grippa suggested that this matter be brought up under Roberts Rules of Order for reconsideration at the IA meeting. He asked what information was not provided to the County Commission.

Ms. Heiker replied that the TCC voted not to proceed with any design activities on any of the segments of the Capital Cascades. She stated that she understood that Jim Davis informed the Board that it was an informational item and it became a direction to Mr. Davis to reorganize and proceed. Commissioner Grippa stated that any allegations of individuals hiding information need to be investigated and brought back to the Board in an agenda item.

Commissioner Grippa moved, duly seconded by Commissioner Proctor, to direct staff to bring back a report on how this information did not get to the Board with details outlining what happened between the TCC and the IA, and to approve Option 1: Accept status report on Franklin Boulevard Stormwater and Maintenance Issues.

Commissioner Proctor asked County Attorney Thiele if the procedural oversight meets the threshold of having an impact on the substantive decision the Board made.

County Attorney Thiele opined that it would.

Commissioner Proctor referenced a letter from the Florida Bar and asked that it be included in any materials presented to the IA. He stated that the Florida Bar indicated the desire that the County would not advance construction on Franklin Blvd. due to impacting the 700 people who work in that area.

Chairman Thael directed County Administrator Alam to include Commissioner Proctor's concern regarding the Florida Bar letter in the next agenda item.

The motion carried unanimously, 6-0 (Commissioner Winchester was out of Chambers).

39. Approval of Agreement Awarding Bid to Jones Tractor Company in the Amount of \$25,200 for the Lease of a John Deere Tractor, Batwing Mower, and Disc Harrow

The Board approved Option 1: Approve the Agreement awarding the bid to Jones Tractor Company in the amount of \$25,200 for the lease of a John Deere 7320 tractor, 2615 batwing mower, and disc harrow from January 1, 2005 through September 30, 2005.

40. Update on the Bradfordville Agreements and Associated Issues

The Board approved Option 1: Accept the status report on the Bradfordville Settlement Agreements.

41. Acceptance of a Conservation Easement for the Chaires Community Baptist Church Project

The Board approved Option 1: Approve and accept for recording the Conservation Easement for the Chaires Community Baptist Church project.

42. Acceptance of One Conservation Easement from Vernon Virginia Rhoden

The Board approved Option 1: Approve and accept for recording the conservation easement from Vernon Virginia Rhoden for the Rhoden Cover Limited Partition Subdivision.

43. Approval of Travel Expenses for Commissioner Thael to attend National Association of Counties Legislative Conference and attend meetings with Congressional Delegation

The Board approved Option 1: Approve travel expenses requested.

44. Consideration of Funding Request in the Amount of \$150,000 for the Mission San Luis National Endowment for the Humanities Challenge Grant

The Board approved Option 1: Approve funding request of \$150,000 (\$50,000 per year for three years) for the Mission San Luis NEH Challenge Grant.

45. Consideration of Funding Request in the Amount of \$10,000 to Provide Additional Funding for The Shelter

The Board approved Option 1: Approve the Budget Amendment Request allocating \$10,000 for The Shelter from the FY05 General Revenue Fund Contingency.

46. Consideration of Mid-Year Funding Request in the Amount of \$500 for Sponsorship of the "Solving Water Pollution Problems in the Wakulla Springshed of North Florida, Science and Technology at Work for a Better Florida" Workshop

The Board approved Option 1: Approve funding for sponsorship of the "Solving Water Pollution Problems in the Wakulla Springshed of North Florida, Science and Technology at Work for a Better Florida" Workshop, in the amount of \$500 from the Mid-Year Funding Request Account.

General Business

47. Consideration of the Frenchtown Renaissance Center as a Relocation site for Growth and Environmental Management Offices

County Administrator Alam stated that per last Board meeting, the City engaged in discussions with the County regarding a consolidated GEM building, and the City suggested using the Frenchtown Renaissance Center as that consolidated building. He explained that the County looked at the financial feasibility, and at that time, the City proposed that the County lease the space. The calculated cost would be from \$4.5 – 6 million over a 5-year period.

County Administrator Alam stated that in a conversation with the City Manager earlier today, he learned that if the County Commission is interested in becoming a part-owner of the building, which costs approximately \$30 million, she would be willing to take that issue to the City Commission. He explained that initially the City was not interested in a jointly owned building; however, the conversation today indicated that the City would consider joint-ownership.

County Administrator Alam suggested continuing the RFP process, continuing to negotiate with the City, and comparing all projects simultaneously.

Commissioner Grippa moved, duly seconded by Commissioner Proctor, to include the consideration of purchasing part of the Renaissance Center in the RFP process, and to direct staff to research whether any incentives were provided for the construction of the Renaissance Center.

Commissioner Sauls stated that she understood that the Renaissance building was not for sale and asked if conditions had changed.

County Administrator Alam responded that four or five years in the future, the City has the option to buy the building. He explained that the owner might be willing to sell one third of the building, which would meet the County's needs. He clarified that this motion would allow the County to continue working with the City.

Speaker, Mr. Bill Hebrock, 3263 Shannon Lakes North, representing the Renaissance Partnership, stated that they are willing to enter into a sale now of a portion of the building to the County. He added that the City's option is 5 years in the future.

Commissioner Grippa asked whether the Renaissance Partnership was given money or other incentives to build the building. Mr. Hebrock

answered that he does not know and he will find out and inform the County Administrator and Board.

Commissioner Proctor asked the following: whether the County is in a bid process, whether the City has been given the option to purchase, and what makes it palatable for the County to purchase it.

Mr. Hebrock explained that the agreeable aspect, from the perspective of the taxpayer, is the co-location of the planning offices. He stated that he can not speak specifically about the City lease; however, if the County wants equity in the building, the County can have it prior to the City's five-year period. Mr. Hebrock stated that the City's option to purchase is at the current value at the time of the purchase, so if the County buys a piece of the property today, they would have to negotiate with the City when they want to buy it back from the County.

Commissioner Proctor stated that he favors ownership over renting and hopes that the Board can review the alternatives soon.

County Administrator Alam stated that the Renaissance Center may have received CBDG money.

The motion on the floor carried unanimously, 6-0 (Commissioner Winchester was Out of Chambers).

48. Consideration of Proposed Voluntary Annexation of Garden Oaks of Piney Z

The Comprehensive Plan requires the Board of County Commissioners to review and make recommendations on proposed annexations to the City Commission.

The County and City administrations have instituted procedures to implement these annexation provisions. The City submits information and analyses for review by County staff. County staff review comments which are included in the Agenda Request. The City has set a Public Hearing date for March 30, 2005 (Attachment #2). According to City staff, no correspondence has been received from the public concerning this proposed annexation. The comparative figure with the re-building costs to own the building is \$4.7 - \$5.3 million.

County Administrator Alam stated that earlier this morning he discovered that the City has not been mailing notices within the 5-mile radius, and the issue needs to be taken up with County Attorney Thiele. He stated that in response to that fact, his recommendation is to delay action and require the City to mail those notices.

County Attorney Thiele explained that the County litigated over the annexation issue, and as a result the County enacted a Comp Plan amendment that sets out the method by which the County reviews the annexations. He elaborated that the County can object (or not) within a certain timeframe; the timeframe for this item is today since the City's public hearing and adoption is scheduled for the 30th. County Attorney Thiele added that if the County objects, they must object based upon the criteria that are outlined in the agenda. The County did not require the City to provide notices to residents within 500 feet, so the City is not under any legal obligation to do so. The County Attorney expressed concern that if the County continues the item for purposes of mandating the notices, the County will have exceeded their timeframe for response and they would have imposed a condition that the Board has not previously discussed.

Speaker, Mr. Mike Askari, 3066 Killearn Point, stated that the Board needs to make a decision tonight, and it is a simple issue of an annexation.

Speaker, Ms. Paula M. Clark, 1139 Brafforton Dr., referenced Ordinance #2, which involves annexing a section of Virgil Road and asked that the County take care of the entire road. She demonstrated her point by showing the Board a map of the area that depicts a residential area that will most likely be used as an ingress and egress if the County does not annex all of Virgil Road.

Commissioner Proctor asked County Attorney Thiele whether there are any technical difficulties with Ms. Clark's request and whether the County can request that the City pave Virgil Rd. County Attorney Thiele opined that the request could be made, but it probably could not be used as the basis of an objection to the annexation.

Commissioner Grippa asked County Attorney Thiele whether the County could annex the road into the City and, if so, whether the road would have to meet certain standards under the City Code. County Attorney Thiele responded that the City would have to agree, but annexing a strip of a road has never been a good idea.

Ms. Clark clarified that Ordinance #2 asks to annex a small portion of the road, and she would like to know how the County can ask to pave and annex that area without including the remainder of the road.

County Attorney Thiele answered that the property owner who has applied owns to the centerline of that road, and it would require the other property owners along the road who probably own the frontage on their lots to participate to annex that area.

Mr. Joe Brown, Public Works Director of Engineering, explained that he met with the developer's engineers about their intentions. He stated that they intend to develop the property and improve the road, extending it north and connecting it with the roundabout in order for it to be the primary ingress and egress for the development. Mr. Brown stated that Virgil Rd. is a dirt road maintained by the County. He stated that during the Safe Program the County tried to pave the road, but people objected and would not give right-of-way at that time.

Mr. Askari stated that he will do whatever it is that the neighbors believe is best in regards to the road. He explained that he has no objection should the County decide to pave the road; however, the residents of Virgil Rd. are opposed. He stated that once the property is developed, he believes 90% of traffic will go through Piney Z.

Commissioner Rackleff agreed that the issue is about annexation, and added that the developer seems receptive to the neighborhood concerns.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls, to approve Options 1 and 2: 1) Approve the voluntary annexation of the property at Garden Oaks of Piney Z; 2) Recommend to the City Commission the annexation of the segment of Virgil Road adjacent to the properties proposed for annexation in order to reduce potential maintenance, permitting and construction issues as noted by Public Works.

Commissioner Grippa asked whether the Board could approve Option 1, but not Option 2. County Attorney Thiele responded that the Board could separate the Options.

Mr. Brown stated that when the property is developed, the developers will also develop a new road system in the Piney Z Road area which will involve a City/County review.

The motion carried, 6-0 (Commissioner Winchester was Out of Chambers).

49. Expirations, Vacancies and Appointments to: Code Enforcement Board, Contractors Licensing and Examination Board, Dorothy C. Spence Community Center Board of Directors, Fairgrounds Citizens Advisory Council, Fort Braden Recreation Council, Housing Finance Authority, Miccosukee Recreation Council, Minority/Women Business Enterprise Committee, Parks and Recreation Advisory Team, and Science Advisory Committee

1. Code Enforcement Board
Commissioner Sauls continued her appointment.
2. Contractors Licensing and Examination Board
Commissioner DePuy reappointed John Jordan; Commissioner Grippa appointed Chris Robinson; Commissioner Rackleff reappointed Helen Arnold.
3. Dorothy C. Spence Community Center Board of Directors
Commissioner Grippa reappointed Dot Spence; Commissioner Proctor reappointed Scott Matteo; Commissioners DePuy, Rackleff, Sauls, Thaell, and Winchester continued their appointments.
4. Fairgrounds Citizens Advisory Council
The Board appointed Lee Harvey as the Southside Business Association representative and continued the Neighborhood Representative appointment.
5. Fort Braden Recreation Council
Commissioner Proctor reappointed Gina Ouzts; Commissioner Winchester's appointment was continued.
6. Housing Finance Authority
Chairman Thaell continued his appointment.
7. Lake Jackson Recreation Council
Commissioner DePuy continued his appointment.
8. Miccosukee Recreation Council
Commissioner DePuy reappointed Tommy Lamb; Commissioner Proctor reappointed Rosa German; Commissioner Rackleff reappointed Authur Duhart; Commissioner Winchester's appointment was continued.
9. Minority/Women Business Enterprise Committee
Commissioner Grippa reappointed Clifton Brown; Commissioner Proctor appointed Ted Parker; Commissioner Rackleff reappointed Frank Williams; Commissioner Winchester's appointment was continued.
10. Parks and Recreation Advisory Team
Commissioner Sauls continued her appointment.
11. Science Advisory Committee
Commissioner DePuy reappointed Sean McGlynn; Commissioner Thaell reappointed Bruce Means.

The Board entered Commission Items.

Scheduled Public Hearings, 6 p.m.

50. First and Only Public Hearing to Adopt an Ordinance Authorizing the Issuance of Not Exceeding \$57,500,000 Capital Improvement Revenue Bonds, Series 2005, for the Purpose of Advance Refunding a Portion of the Series 1997, 1998A, and 1999 Bonds and to Provide Funding for the

Renovation of the Courthouse, Relocation of the Growth and Environmental Management Facility and Construction of a Branch Library.

On February 22, 2005, the Board authorized staff to proceed with the preparation of all necessary documents relating to the advance refunding of a portion of the County's 1997, 1998A, and 1999 Capital Improvement Revenue Bonds, and the issuance of \$15 millions in new funds towards the projects listed above. Subsequently, staff worked with Bond Counsel (Bryant Miller & Olive, P.A.), Disclosure Counsel (Holland and Knight, LLP), and the Financial Advisor (PFM Group) to draft the enabling Ordinance authorizing the issuance of the Bonds.

County Administrator Alam explained that refinancing and \$50 million new dollars are the issues in this item and noted that there is a disagreement among staff on refinancing the bond. He noted that the agenda item indicates that the Board would like to proceed with refinancing as long as the savings are 3%; however, today, the savings on refinancing would have been 2.9%.

Clerk of the Courts Bob Inzer appeared and advised that today was not a good day in the market and the question is at what point does the County walk away with savings in the bank or exercise the option for possibly greater savings in the future. The debate has been whether to recommend moving from 3% savings to 2.75% or 2.5%. Mr. Inzer recommended moving to 2.75%. He stated that if the Board drops below that, then they have foregone savings that they know they could have taken advantage of for savings that may be greater in the future.

Mr. Alan Rosenzweig, Director of OMB, stated that he looks at dollar savings to the County rather than interest rates. If they dropped to 2.5% savings, it would result in a savings of approximately \$95,000 per year; at 2.75% savings, it would result in a savings of approximately \$100,000 per year; and at 3% savings, it would result in a savings of approximately \$105,000 per year.

Commissioner Grippa moved, seconded by Commissioner Rackleff, to put the money in the bank now and set the triggering rate at 2.5% in savings, and to approve Options 1 and 2: 1) Conduct the first and only public hearing and adopt the proposed Ordinance Number 05-07 authorizing the issuance of not to exceed \$57,500,000 Capital Improvement Revenue Refunding Bonds, and delegate the authority to award the Bonds to the Chairman or his designee; 2) Approve the attached resolution and associated budget amendment establishing the budgetary authority for receipt of the bond proceeds.

Commissioner Proctor asked whether the Board is locked into the following three projects: Courthouse renovations, Apalachee Branch Library Construction, and the GEM Building construction and/or renovation. He asked if the specific amount allocated to each project is listed anywhere and whether the County is contractually committed to these projects.

Mr. Rosenzweig stated that those are the three primary projects where the original \$15 million dollars will go toward; however, if at some point one of the projects does not cost as much as anticipated, the Board has the ability to direct the funds elsewhere. He responded that Attachment #3, page 2 of 3 of the agenda request, indicates that the Apalachee Library is \$2.4 million, Courthouse renovations are \$6.1 million, and GEM facility is \$6.5 million. Mr. Rosenzweig stated that in the Board's official statement, these are the projects the Board is telling the public that the money is being spent on.

Commissioner Proctor asked whether in the Consent Agenda, the Board endorsed a request for the Legislature to do a grant for Library. He inquired whether the County would have access to the \$2.4 million if the Legislature moves forward with the grant.

County Administrator Alam responded that the total Library budget is more than \$2.4 million. The grant is for \$500,000 and would be added to the \$2.4 million.

Commissioner Rackleff asked whether the bonds have various maturity dates.

Mr. David Moore, PFM Group, County Financial Advisor, verified that the bonds do have various maturity dates, beginning next year and running through 2025. Mr. Moore added that the refunding portion extends to about 2017. Commissioner Rackleff concluded that the indebtedness is both short and long-term.

The motion on the floor carried unanimously, 7-0.

51. Second and Final Public Hearing Regarding Proposed Chapter 163 Development Agreement Regarding Hopkins Crossing North

The Leon County Board of County Commissioners approved a Chapter 163 Development Agreement for the Hopkins Crossing South parcel (the Lowe's super site). This was part of the overall Target Planning area designation for the development of the intersection of I-10 and Capital Circle Northwest.

Subsequently, the developer of the property now wishes to commence development for the property north of I-10, to be known as Hopkins Crossing North (the North 10 Capital Associates, Ltd., Hopkins property). The Development Agreement, which is attached as Attachment #1, would be a step in that process.

At the meeting of the Board of County Commissioners held on February 8, 2005, the Board conducted the first public hearing on this matter and scheduled a second public hearing for March 22, 2005, at 6:00 p.m.

County Administrator Alam explained that he has spoken with the representative of Hopkins Property and he would like to continue the item to the April 12, 2005, Regular Meeting since staff received the final agreement yesterday and needs time to review it.

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 7-0, to continue the Public Hearing to April 12, 2005 at 6:00 p.m.

Commissioner Winchester stated that he has discussed the project with the County Attorney and would like to meet with staff to understand and address issues and challenges prior to the Public Hearing.

52. Second and Final Public Hearing to Adopt an Ordinance Amending Chapter 10, Article X, Division 8 of the Code Of Laws of Leon County, Florida, Relating to Temporary Uses

At the direction of the Board of County Commissioners, the County Attorney's Office was instructed to propose certain revisions to the County's temporary use regulations, specifically, to provide a supplemental enforcement provision for the Sheriff's Department, and to ameliorate permit fee provisions for those events, which will have no impact upon either the Leon County Sheriff's Department or Leon County Administration. The first public hearing was held on February 22, 2005, before the Board of County Commissioners. Further, the Planning Commission found the proposed ordinance to be consistent with the Comprehensive Plan at a public hearing held on March 1, 2005.

County Attorney Thiele stated that they are requesting the item be continued since the *Tallahassee Democrat* did not run the advertisement on the specified date.

Commissioner Sauls moved, duly seconded by Commissioner Grippa and carried unanimously, 7-0, to continue the Public Hearing to April 12, 2005 at 6:00 p.m.

53. Continuation of First and Only Public Hearing to Adopt an Ordinance Amending Chapter 17, Leon County Code of Laws, Providing for Prohibition of Unmuffled Compression or Auxiliary Exhaust Brakes

This item was continued from the January 25, 2005 and the February 8, 2005 regular County Commission meetings. At the January 11, 2005, regular meeting, the Board directed the County Attorney's Office to schedule a Public Hearing to Adopt an Ordinance and advertisement of same prohibiting the use of unmuffled compression or auxiliary exhaust brakes. The attached Ordinance was advertised in the Tallahassee Democrat on March 12, 2005 (Attachment #2).

County Attorney Thiele explained that the County Attorney's office would like to explore an issue that was raised by the Department of Transportation earlier in the afternoon, so they are requesting a continuation.

Commissioner Winchester moved, duly seconded by Commissioner Proctor and carried unanimously, 7-0, to continue the Public Hearing to April 12, 2005, at 6:00 p.m.

54. First and Only Public Hearing to Adopt a Proposed Ordinance Amending Section 7-26 of Chapter 7, Article II of the Code of Laws of Leon County, Relating to Court Costs for Criminal Violations and Bond Forfeitures

On November 3, 1998, the Florida Electorate approved Revision 7 to Article V of the Constitution, relating to the judicial branch of the State government. Revision 7 was designated to allocate the State courts system, State Attorney offices, Public Defender offices, and court-appointed counsel funding mechanism, to be shared by the State, counties, and users of the courts. During the 2003 Legislative Session, House Bill 113A was adopted, and subsequently approved by the Governor, to establish the new statutory framework for the funding of the State courts system.

Certain provisions of House Bill 113A, which were effective on July 1, 2004, also impacted Chapter 7, Article II, of the Code of Laws of Leon County, entitled "Court Filing Fees; Service Charges; Court Costs." To comport with the provisions of House Bill 113A and other statutory amendments, the Board conducted a duly noticed public hearing on February 8, 2005, and adopted Leon County Ordinance No. 05-03 (Attachment #2), which substantially amended Chapter 7, Article II of the Code of Laws of Leon County.

County Attorney Thiele synopsisized that this item is for the first and only Public Hearing on an ordinance that does "housekeeping" measures to

update existing Ordinances in light of the Article V Legislation regarding the remittance of \$2.00 to Leon County that was previously deducted from every forfeited bail bond relating to penal statutes or ordinances.

Commissioner Grippa asked for clarification on the Ordinance.

County Attorney Thiele responded that the Ordinance eliminates the bond forfeiture provisions because those funds now go to the state. He explained that the House Bill 113A preempts the County from collecting bond forfeitures; they go directly to the state.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, 7-0, to approve Option 1: Conduct the first and only public hearing and adopt the proposed Ordinance amending Section 7-26 of Chapter 7, Article II of the Code of Laws of Leon County, relating to court costs for criminal violations and bond forfeitures.

55. First of Two Public Hearings on a Proposed Amendment to Chapter 10, Land Development Code, Regarding Regulations of Conservation Subdivisions

In response to a growing interest of the community in Conservation Subdivisions, an amendment was made to the Land Use Element of the Comprehensive Plan during the 2004-1 Amendment Cycle that provided authority and guidance for implementing Land Development Regulations (LDRs) that govern Conservation Subdivisions. New Objective 2.2 (L) states that the LDRs implementing the concept be amended by 2004.

New Comprehensive Plan Conservation Subdivision Policies 2.2.1 (L) through 2.2.3 (L) govern how the conservation subdivision concept relates to Future Land Use categories. The policies propose a paced approach to implementation, both in the land use categories subject to the concept, and the timing of its application. Policy 2.2.1 (L) excludes the Rural land use category to reduce the threat of premature conversion until there has been time to evaluate how well the Conservation Subdivision concept works in the Urban Fringe and Bradfordville Sector Plan Rural Residential areas.

At the February 22, 2005 meeting, the Board scheduled the first and only public hearing on the proposed Ordinance for March 22, 2005, at 6:00 p.m.

The following speakers addressed the item: Mr. Harry Carson, President of Mallard Pond Homeowners Association, 6316 Duck Call Ct., Ms. Pam Hall, 5051 Quail Valley, Bob Fulford, 231 Westridge Dr., Charlotte Chutes,

5980 Ansil Ferrel Rd., Randie Denker, 7600 Bradfordville Rd., Neil Fleckenstein, 13093 Henry Beadel Dr.

The speakers made the following points:

- The density permitted in the Conservation Subdivisions runs a severe risk of altering the pattern that the Comp Plan successfully accomplished of encouraging urban in-fill and limiting urban sprawl.
- Community members wanted to make sure that there were no loopholes in regards to condominiums.
- Concern that the Ordinance will allow even more houses to be built outside the USA.
- There is no objection to a condo-type development as long as it adheres to the clustering for the Bradfordville Sector Plan Conservation and Subdivision Ordinance.
- Ms. Randie Denker, Representing CERCA, suggested adding the following statement to the Ordinance, "Condominium developments are not allowed in the rural residential area of the Bradfordville Sector Plan." She added that if it does not meet legal muster, they would be happy inserting a statement that reads, "Regardless of the form of ownership, whether it is a condominium or other form of ownership, that all development in the rural residential area of the Bradfordville Sector Plan will meet the same standards for conservation subdivisions." Another thing that concerns CERCA about the condominiums is that there is nothing to stop them once they get in under a lesser standard development from disbanding the condominium and creating regular simple ownership.
- Concerns about creating substantial incentives to build in the Urban Fringe and desire to have Public Works monitor the development.

County Attorney Thiele opined that there is no loophole. He stated that if that type of development were done, it would be required, by site plan approval, to be deed restricted to no further subdivisions on the open space. County Attorney Thiele stated that that method addresses the issue of potential dwelling units perpetuity without having run afoul of regulatory prohibition.

Commissioner Grippa suggested explicitly stating in the Ordinance that there be no condominiums allowed in that zoning area.

Commissioner Rackleff clarified that a condominium is a form of ownership and it could be an office building, retail, etc... He asked if the use of the word meant to refer to multi-family establishments. Chairman Thael answered that the use of the word "condominium" in this context is intended to refer to single-family residential homes.

Commissioner Rackleff summarized that the people are saying that they do not want an apartment building.

County Attorney Thiele stated that the County does not have the authority to regulate the number of units in any zoning district, under any conservation subdivision or otherwise, based upon the form of ownership. He stated that to prohibit a condominium form of ownership is not legally permissible; however, to address how one would count the number of units and to restrict from further subdivision of the property, is legally possible.

County Attorney Thiele stated that if the Board does not believe that the wording in the Ordinance is sufficiently restrictive, he is willing to come up with language that disallows further division of the property so it does not exceed the gross acreage for any number of dwelling units.

Commissioner Winchester stated that he would like the item approved, and he would like to ensure that there is no condo loophole language. He stated that the idea of conservation subdivision is to do things differently, such as provide an opportunity to mix housing prices and densities. Commissioner Winchester stated that conservation subdivision will probably become the next ruralism in the next decade.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff, to continue the first and only Public Hearing to April 26, 2005 at 6:00 p.m.

Commissioner Grippa stated that the Ordinance should pass tonight with a change of wording to close the condominium loophole.

County Attorney Thiele stated that the language was specifically rewritten after a conversation with Chairman Thael to require a permanent reservation of those open space areas. He noted that he will change the wording on page 4, line 11 to read, "conservation subdivisions regardless of the form of ownership shall be limited by those densities."

Commissioner Winchester amended the motion to add the language, "regardless of the form of ownership" to the eligibility statement of the Ordinance on page 4, E, line 10.

Commissioner Winchester withdrew his motion in order to make another motion.

Commissioner Winchester moved, duly seconded by Commissioner Grippa, to approve Option 1 with amendment in line 10, item E, to include the language, "regardless of the form of ownership": Conduct the first and

only Public Hearing and adopt the proposed Ordinance amending Chapter 10, the Land Development Code of the Code of Laws of Leon County, Florida to the regulations for Conservation Subdivisions.

Commissioner Proctor wanted to exempt District 1, stating that he is trying to promote development in District 1. Commissioner Proctor stated that adopting this policy will hinder growth in his district; growth that has not had the opportunity to flourish thus far.

Commissioner Proctor asked the maker of the motion to exempt District 1 from the Ordinance.

Commissioner Winchester denied the request.

Commissioner Winchester agreed that there should be higher density and smaller lot size countywide. He assured Commissioner Proctor that the Ordinance accomplishes Commissioner Proctor's goals for District 1.

Commissioner Rackleff made a point of information, stating that Commissioner Proctor discussed issues with the Comp Plan, not the amendment to set up conservation subdivisions.

Commissioner Winchester called the motion to question.

The motion carried, 6-1 (Commissioner Proctor opposed).

56. First and Only Public Hearing to Adopt a Proposed Ordinance Amending the Official Zoning Map from Target Planning Area (TPA) Zoning District to General Commercial (C-2) Zoning District on Land Located Southwest of Intersection of Water Oak Plantation Road and Thomasville Road

This rezoning application consists of one parcel and a portion of a second parcel of property. Subject parcel #1, 14-27-20-210-0000, is located on the west side of Thomasville Road and at the northeast corner of the Bull Run Planned Unit Development (PUD), is approximately 0.87 acres and is zoned TPA. This zoning district was put in place during 1997, when the Board adopted amendments to the Official Zoning Map and land development regulations to implement "site specific zoning." During this process, large landholdings (200-1,000 acres) within the urban services area were placed within the TPA zoning district. This parcel was inadvertently combined with the adjacent approximately 427-acre tract under the ownership (at the time) of Mr. Byron Block, now known as the Bull Run PUD, and rezoned to the TPA district.

A single-family house is presently located on the subject parcel. The portion of the second parcel included in the application, subject parcel #2,

14-21-20-201-0000, is located adjacent to the north of subject parcel #1. This parcel functions as a private street, "Millstone Plantation Road." This private street provides access to a number of other properties located to the west of the subject property via easements(s). Only that portion of subject parcel #2 adjacent to subject parcel #1, approximately 55' x 400' (apx. ½ acre), is included in this rezoning application.

Commissioner Grippa moved, duly seconded by Commissioner Winchester, to continue the first and only Public Hearing to April 12, 2005 at 6:00 p.m.

Commissioner Grippa directed staff to work with applicants, when redrafting Ordinance, to ensure that there is no entrance off of residential OGCM paved Millstone Rd.

Wayne Tedder, Planning Department, informed the Board that there is an access issue that needs to be dealt with prior to continuing the item. He stated that if a certain property is not granted access to Millstone Plantation Rd., it will result in another access point to Thomasville Rd. Mr. Tedder stated that there are already three access points side-by-side to one another in this area.

Commissioner DePuy stated that Millstone Plantation Rd. is a private road paid for by the residents, and the road would not withstand the normal traffic from the shopping center and Chili's restaurant. He stated that if more access is granted, it needs to be created on Hwy 319, rather than privately paved OGCM.

The motion carried unanimously, 7-0.

57. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map Changing Zone Classification from R-5 (Manufactured Home and Single-Family Detached) to OR-1 (Office Residential District)

County Administrator Alam stated that the property is located on the north side of Oak Ridge Road, approximately 260 feet west of Woodville Highway, and the applicant owner is Ms. Brenda Willis.

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 6-0 (Commissioner Grippa was Out of Chambers), to approve Option 1: Conduct the first and only Public Hearing and adopt the proposed Ordinance, amending the Official Zoning Map to change the zone classification from R-5 (Manufactured Home and Single-Family Detached) district to OR-1 (Office Residential) district, based on the findings of fact and conclusions of law set forth in this agenda.

Commissioner Proctor asked what the change from R-5 or OR-1 does, whether it was one parcel, and what the feedback was from the 41 notices sent to surrounding property owners.

Planning Department staff responded that R-5 is for manufactured and single-family dwelling with a maximum density of 8 dwelling units per acre. He explained that OR-1 is Office Residential, and the maximum density is the same as R-5. The proposed change is to meet the property owner's intentions of using that property for condominium with the office on the first level and residential on the second level. She stated that it is one parcel (.8 acres) and they have not received feedback from neighbors.

The motion carried unanimously, 6-0 (Commissioner Grippa was Out of Chambers).

58. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map Changing Zone Classification from the R-1 Single-Family Detached Residential Zoning to the R-3 Single-Family Detached, Attached and Two-Family Residential District

Commissioner Sauls moved, duly seconded by Commissioner DePuy and carried unanimously, 6-0 (Commissioner Grippa was Out of Chambers), to approve Option 1: Conduct the first and only public hearing and adopt the proposed Ordinance amending the Official Zoning Map from the R-1 Single family detached residential zoning district to the R-3 Single family detached, attached and two family residential zoning district for the subject properties, less and except parcel 22-25-20-603-0000, based upon the findings of fact and conclusions of law set forth within the Planning Commission report.

59. First and Only Public Hearing to Adopt a Proposed Ordinance Amending Chapter 11, Article XVII, Section 11-531, of the Code of Laws of Leon County, Entitled "Creation of Health Care Advisory Board"

Commissioner Winchester moved, duly seconded by Commissioner Sauls, to approve Option 1: Adopt the proposed Ordinance amending Chapter 11, Article XVII, Section 11-531 of the Code of Laws of Leon County, entitled "Creation of Healthcare Advisory Board."

Speaker Gail Milon, 1327 Colorado St., submitted a letter to the Board requesting postponement of item #59, deletion of section 1 under the analysis of the agenda, and consideration of conflict of interest with the Primary Healthcare Implementation Advisory Board (PHIAB). The section Ms. Milon requested be deleted reads, "To actively monitor and provide effective oversight of the development and operations of primary healthcare services, inclusive of women's health services, and all other

healthcare services for the indigent and uninsured citizens of Leon County."

Commissioner Rackleff stated that Ms. Milon erroneously objected to the analysis section rather than the text of the Resolution, which reads, "to review and analyze the effectiveness of Leon County's health care services and programs for indigent and uninsured residents of Leon County" (Attachment #3, page 1, 2A). Commissioner Rackleff elaborated that that wording restricts the analysis and review to the program the County funds; the Board cannot change the Medicaid program or other aspects.

Commissioner Rackleff moved Option 1, duly seconded by Commissioner Winchester, to approve Option 1: Adopt the proposed Ordinance amending Chapter 11, Article XVII, Section 11-531 of the Code of Laws of Leon County, entitled "Creation of Healthcare Advisory Board."

Commissioner Grippa stated that he would not support the motion due to the following issues:

- Inability to separate federal government from Leon County and what applies to the Primary Health Care Program
- Question of whether there is a conflict of interest due to PHIAB consisting of Health Care Providers who benefit from clinic
- Need to research and decide whether goals of Resolution can be met, in lieu of federal charter

Chairman Thaeli suggested, in light of the conversation, to have a workshop on the Primary Health Care Advisory Board. He stated that the County created the PHIAB Board to monitor the effectiveness of the programs funded by the County's dollars.

County Administrator Alam clarified that the Board is adopting the Ordinance and Resolution; Ms. Milon objected to the way the analysis is written. He stated that the Ordinance is adding two members, and the change is a matter of "housekeeping."

Chairman Thaeli clarified that the Ordinance would place a representative from Bond and Neighborhood Health Services (NHS) on the Board.

Ms. Milon stated that NHS and Bond Community Health Center have not been on the Primary Health Care Implementation Advisory Board, and she recommends postponing any decisions until after a workshop. Ms. Milon expressed personal concern—not that of Bond—that the Women's Health Center has not yet materialized despite plans to implement the project. She stated that the Board claimed that upon the results of the MGT study the funds would be dispersed; however, the Primary Health Care

Implementation Advisory Board disclosed, unbeknownst to Bond, that they wanted to play a role. Ms. Milon explained that the MGT study has been out since January, 2005, and the funds have not been dispersed for Bond to move forward with a Women's Health Center.

Commissioner Proctor asked the maker of the motion to withdraw the motion. He stated that there has been a request for reorganization of the Board; however, staff translated that request into a name change rather than reorganization. Commissioner Proctor explained that hospitals "cherry pick" patients with Medicaid cards, resulting in Bond never getting to treat the indigent patient and receive reimbursement.

Chairman Thael stated that the PHAIB was created by this Ordinance, by this Commission, to provide oversight, advice, and recommendations to the Commission about the expense of the County's dollars spent through Bond, Neighborhood Health Services, and We Care.

Commissioner Rackleff amended his motion to schedule a workshop on implementing the Women's Health Clinic and also requested a written opinion from the County Attorney on the Board's lack of jurisdiction over Bond CHC, and the conflict of interest issue.

Commissioner Grippa stated that the issues arising with this item (i.e. the referendum and allocation of \$30,000 to the health clinics) seem to center around Chairman Thael's desire to implement a Sales Tax Referendum. He stated that the Board needs to know how much money is coming from MSTU for Kid Care out of general revenue and whether there is a conflict of interest—one entity provides 70% of health care. Commissioner Grippa suggested that the Board decide whether they want a health care referendum and a women's health clinic, and whether the oversight board is functioning independently and will come back to the Board. He asked if the Advisory Board is under the auspices of the Board, and if it is, he would like the minutes to that meeting.

Commissioner Grippa moved a substitute motion, duly seconded by Commissioner Proctor, to vote on the Health Care Sales Tax Referendum on April 12, 2005. The Chairman did not recognize the motion because it was not germane to the item.

Commissioner Grippa withdrew the substitute motion, and stated that he would discuss the issue during Commission Items.

Commissioner Grippa called a point of order and asked the County Attorney whether a PHIAB Board would oversee a half-cent sales tax under the current structure. County Attorney Thiele responded that they are to report to the Board on that issue. Commissioner Grippa asked

whether it was similar to the Women's Health Clinic. The County Attorney answered that it is similar. Commissioner Grippa asked if one of the issues is not germane, are both issues not germane.

The County Attorney stated that he does not believe either issue is germane.

Commissioner Grippa stated that the County Attorney ruled that neither issue is germane, so the Board is back to the Resolution.

Commissioner Rackleff responded to the substitute motion, stating that the Board has not been germane to the issue since the discussion began and the Board has addressed the immediate issue of the Women's Health Clinic. He stated that the Penny Sales Tax Referendum is not an urgent priority.

Chairman Thaeil scheduled a vote on the motion.

Commissioner Grippa called a point of order that the Parliamentary ruled and the Chairman needs to adhere to the rules of the Commission.

Commissioner Proctor moved a substitute motion to appropriate \$1 million to the Bond CHC for implementation of the Women's Health Center. Motion failed for lack of a second.

Commissioner Grippa stated that the motion on the floor to workshop the Women's Health Clinic is not germane to the issue. Chairman Thaeil responded that the motion is germane to the issue since it deals with the restructuring of the Board and clarification of roles and responsibilities of that Oversight Council.

The original motion on the floor failed, 2-4 (Commissioners Grippa, Sauls, DePuy, and Proctor opposed and Commissioner Winchester Out of Chambers).

Commissioner Grippa opined that the motion was out of order and would not have counted even if it were approved, since the County Attorney deemed it not germane to the issue. Commissioner Grippa stated that by taking one of the motions, when the Parliamentary ruled against both, there was a breach of Commission rules.

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 5-0 (Commissioners Rackleff and Winchester Out of Chambers), to approve Option 4: Do not adopt the proposed Ordinance amending Chapter 11, Article XVII, Section 11-531 of the Code of Laws of Leon County, entitled "Creation of Healthcare Advisory Board"

and do not adopt a proposed Resolution creating a Health Care Advisory Board.

(It was noted that Commissioner Winchester was absent from the remainder of the meeting due to personal matters.)

60. First of Two Public Hearings on the Oakhill Farms, Unit III 2/3 Paving Project

During its July 27, 2004 meeting, the Board accepted the Oakhill Farms, Unit III 2/3 paving project petition and directed staff to begin right-of-way and easement acquisition and record deed documents specific to the project.

County Administrator Alam stated that the property owners have been advised that the estimate is \$185,000 to do the 2/3 project.

Commissioner Grippa moved, duly seconded by Commissioner Sauls, to approve Option 1: Conduct the first public hearing, adopt a Resolution authorizing special improvements, and authorize the Chairman to execute.

Speaker, Mr. Dee Crumpler, 1105 Corby Court E., thanked Tony Park, Jim Pilcher and Commissioner Grippa.

The motion carried unanimously, 5-0 (Commissioners Winchester and Proctor were out of Chambers.)

The Board entered discussion of Consent Agenda Item #33.

County Attorney Thiele

- Referenced a letter from the Plaintiff's counsel in the Summerfield litigation that purports to be a settlement offer; this offer will be brought to the Board for consideration in the April 12, 2005 Regular Meeting.

Chairman Thaeli asked if there were any cases in regards to Commissioner Maloy. County Attorney Thiele stated that he sent the Board a series of letters, which the County Attorney's office received from their counsel, and it would be best to brief the Board after the hearing takes place.

Commissioner Rackleff

- Distributed materials regarding the discovery of the Apalachee Indians who lived in the Tallahassee area and occupied the area covered by the Spanish Mission system. The handout included an article, which

was printed on the front page of the Wall Street Journal. He stated that the tribe seeks recognition, and he would like the Board to send a letter of support. Commissioner Rackleff added that if the Board is not comfortable deciding tonight, he would like the County Attorney to bring back an agenda item.

- Informed the Board that the Transportation Disadvantaged Program was being utilized to create the Elderly Shopping Service, which brings the elderly to WalMart. Susan Davis coordinated the service through the Elder Ready Initiative.
- Requested a Presentation about National Victims of Crime Week by the Attorney General's Office, Victim's Advocate's Office on April 12, 2005.

Commissioner Grippa

- Requested an agenda item on a joint planning agreement on Piscah Church Road. Asking Centerville Farms to pave the road using OGCM, twice.

Commissioner Grippa moved, seconded by Commissioner DePuy and carried unanimously, 6-0 (Commissioner Winchester was Out of Chambers), to agenda the joint planning agreement on Piscah Church Road.

- Requested a Resolution for motorcycle safety week, April 8th – 14th, to be presented to Tina McElenny
- Requested a workshop on fiber optic network and the potential of the Ethernet, invite Electronet and any other providers.

Commissioner Grippa moved, seconded by Commissioner Sauls and carried unanimously, 6-0 (Commissioner Winchester was Out of Chambers), to schedule a workshop on fiber optic network.

- Requested consideration of placing a mobile billboard of the Florida Association for Community Action, reads "Feed the Hungry," on Courthouse grounds by March 31, 2005. Invited Board to Legislative Day.
- Requested a report on property owned by Don Rexroad. City will remove deed restriction, but wants their expense in buying the lot, which was under the flood mitigation program.

- Requested to schedule a workshop in April 26, 2005 regarding Health Care Sales Tax referendum.

Commissioner Grippa moved, seconded by Commissioner Sauls and carried 5-1 (Commissioner Thaeli opposed and Commissioner Winchester was Out of Chambers), to schedule a workshop on Health Care Sales Tax referendum for April 26, 2005 and a workshop on the Women's Health Service Program on April 12, 2005.

Commissioner Sauls

- Requested a report on bid procedures for purchase of County properties and to have staff look into options for establishing minimum bids, or have guidelines that bid be at least a certain percentage of the appraisal.

Commissioner DePuy

- Requested agenda item to reconsider participation in Department of Administrative Hearings (DOAH) lawsuit against Wakulla County.

Commissioner DePuy moved, seconded by Commissioner Grippa and carried unanimously, 6-0 (Commissioner Winchester was Out of Chambers) to agenda reconsideration of our status in lawsuit against Wakulla County.

Commissioner Proctor

- Requested staff to follow-up with Wakulla County on establishing joint retreat.
- Requested meeting with staff to discuss why Peter Brown was allowed to bid on Bank of America RFP seven days after bid closed.
- Requested Board support of project "Lean into Spring," a fight against obesity, and support a kickoff event.
- Requested staff to look into City's arrest procedures/issues as well as Weed and Seed Program for Jail Issues Workshop.

Commissioner Thaeli

- Requested Resolution for national Public Works Week (April)

- Requested Resolution for 50th Anniversary of the opening of Cobb Middle School
- Requested Resolution for Earth Day (April)
- Requested Resolution for Department of Environmental Protection's efforts to expand their auto fleet to include 71 hybrid vehicles, thereby reducing greenhouse gases. This Resolution will be presented to Secretary Castille.
- Informed the Board that there will be a guided tour of the Wakulla Springs Springshed, Wednesday, May 11, 2005, 8:30 a.m. – 1:30 p.m. (RSVP to Theresa Heiker).

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

APPROVED: _____
Cliff Thael
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court